



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.
COPY MAILED

SEP 22 2004

TOPE-McKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY
#311
MALIBU, CA 90265

OFFICE OF PETITIONS

In re Application of:	:	
Patricia Keaton and Amit K. Roy	:	DECISION DISMISSING
Chowdhury	:	PETITION UNDER
Application No. 10/730,789	:	37 CFR 1.47(a)
Filed: December 8, 2003	:	
Title of Invention: METHOD AND	:	
APPARATUS FOR GENERATING THREE-	:	
DIMENSIONAL MODELS FROM	:	
UNCALIBRATED VIEWS	:	

This is in response to the Petition Under 37 CFR 1.47(a), filed August 16, 2004, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor.

The petition is dismissed.

Rule 47 applicant is given TWO (2) MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)"; should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor, AND BE ADDRESSED TO petitions Attorney Derek L. Woods. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on December 8, 2003, without, a fully executed oath or declaration. The Office mailed a Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), on December 19, 2003, requiring *inter alia*, a properly signed oath or declaration.

In response to the Notice, Applicant files the instant petition wherein Applicant avers that the nonsigning inventor, Amit K. Roy Chowdhury, cannot be reached to join in the application. In

BEST AVAILABLE COPY

support of this assertion, Applicant's have demonstrated diligent effort to reach the nonsigning inventor. However, a review of the oath/declaration filed with the instant petition reveals that the nonsigning inventor's name has been mis-spelled as "Chowdry".

Applicable Law

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), Applicant has not presented an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 37 CFR 1.64. The oath or declaration must identify the inventive entity. A properly executed oath or declaration is required.

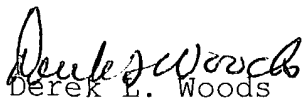
Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: 2201 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.


Derek L. Woods

Petitions Attorney
Office of Petitions

BEST AVAILABLE COPY